

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MELINDA AND MARK LOE, ET AL.,

Plaintiffs,

Case No.

vs.

0:23-cv-01527-NEB-JFD

WILLIE JETT, ET AL.,

Defendants.

_____/

Pursuant to Notice, the deposition of SALLY REYNOLDS was taken via Zoom videoconference on Thursday, April 11th, 2024, with the witness located in Minnesota, beginning at 9:00 a.m. CDT before Kathryn M. Benhoff, Notary Public.

ALL PARTICIPANTS VIA ZOOM VIDEOCONFERENCE

<p style="text-align: right;">Page 6</p> <p>1 immediately when the statute passes?</p> <p>2 A It appeared that -- so we craft this</p> <p>3 language and it is approved by leadership, and that</p> <p>4 looks like what Beth was preparing.</p> <p>5 Q So it's not, so --</p> <p>6 A This version of it is what Beth sent to</p> <p>7 her supervisor, who looks it over. Then it goes to</p> <p>8 the director, I look it over, and then it goes to</p> <p>9 the AC and then it goes to COMS, and it is approved</p> <p>10 at the commissioner level.</p> <p>11 Q So has this been approved at the</p> <p>12 commissioner level yet?</p> <p>13 A With the stay, I'm not sure. It's</p> <p>14 possible, but we had lots of legislation, so I can't</p> <p>15 say this one for sure was because of the lawsuit.</p> <p>16 Q Okay. So I'm looking at where it says the</p> <p>17 last line under program guidance. It says,</p> <p>18 "Post-secondary institutions must have the same</p> <p>19 admission standards for on line and on campus</p> <p>20 courses." Could you explain what that means?</p> <p>21 A Correct. So that, that if they, the</p> <p>22 questions that they asked for PSEO would be common</p> <p>23 across all settings, so there would not be unique</p> <p>24 questions asked for on line vs. on campus. It would</p> <p>25 be standard for both.</p>	<p style="text-align: right;">Page 8</p> <p>1 eligible institution, it would be, it would be -- it</p> <p>2 couldn't be asked for either. Any implementation of</p> <p>3 PSEO would be standardized and that would make an</p> <p>4 institution eligible or not, so it wouldn't differ,</p> <p>5 it wouldn't differentiate between on line or in</p> <p>6 person.</p> <p>7 Q So you can't have a faith statement for on</p> <p>8 line and you can't have a faith statement for on</p> <p>9 campus. Are you allowed to offer on line but not on</p> <p>10 campus PSEO courses?</p> <p>11 A I think what that, what this provision</p> <p>12 clarified, if I'm -- well, I do understand it, is</p> <p>13 that no PSEO -- any institution, any eligible</p> <p>14 institution offering PSEO cannot have a faith</p> <p>15 statement. It doesn't matter how the PSEO course is</p> <p>16 delivered.</p> <p>17 Q Okay. But it's allowed to not offer PSEO</p> <p>18 in one modality as opposed to another?</p> <p>19 A We don't -- PSEO is offered in many</p> <p>20 modalities by many institutions. This is</p> <p>21 referencing more no faith statement can be presented</p> <p>22 by any institution that's eligible.</p> <p>23 Q So MDE doesn't regulate which modalities</p> <p>24 the schools offer?</p> <p>25 A Statute doesn't limit the modalities of</p>
<p style="text-align: right;">Page 7</p> <p>1 Q What would be the purpose of that</p> <p>2 provision?</p> <p>3 A That was related to the complaints that we</p> <p>4 received that there were differences in on line and</p> <p>5 on campus requirements to participate in PSEO.</p> <p>6 Q And is there authorization on the statute</p> <p>7 for guidance like that?</p> <p>8 A I'm not clear what your question is.</p> <p>9 Q What is the authorizing statutory language</p> <p>10 for that guidance?</p> <p>11 A That a eligible institution must not</p> <p>12 require a statement from a secondary student seeking</p> <p>13 to enroll in a PSEO course, so that would be</p> <p>14 clarification that it wouldn't matter if it's on</p> <p>15 line. It would be for any course that is designated</p> <p>16 and reimbursed as PSEO, so it's just a</p> <p>17 clarification. It's technical assistance.</p> <p>18 Q If a school had an on line PSEO program</p> <p>19 with no faith statement, is it permitted to offer</p> <p>20 only PSEO on line, or is it required to offer on</p> <p>21 campus, on campus programming but no on campus PSEO</p> <p>22 under this provision?</p> <p>23 MR. TIMMERMAN: Objection. Objection,</p> <p>24 vague. You can answer if you understand.</p> <p>25 A Under this provision, it would be for any</p>	<p style="text-align: right;">Page 9</p> <p>1 what's offered.</p> <p>2 Q Okay. Let me upload another exhibit. Are</p> <p>3 you seeing it?</p> <p>4 A Yes.</p> <p>5 Q Okay.</p> <p>6 MR. TIMMERMAN: Hang on just one sec,</p> <p>7 Diana. I haven't seen it yet. Oh, there we</p> <p>8 go. I just had to refresh the marked exhibits.</p> <p>9 All good.</p> <p>10 Q Once you've had a chance to review, let me</p> <p>11 know, are you familiar with this document?</p> <p>12 A Yes, I believe this was used to determine,</p> <p>13 it's a form that was used to determine institutional</p> <p>14 eligibility to offer PSEO.</p> <p>15 Q Okay. And it's from Oak Hills College?</p> <p>16 A Correct.</p> <p>17 Q Okay. In May 2008?</p> <p>18 A Correct.</p> <p>19 Q And on the second page, it says Oak Hills</p> <p>20 does not meet the criteria of offering non-sectarian</p> <p>21 courses or programs; is that right?</p> <p>22 A Yes, I see that.</p> <p>23 Q Okay. And it says under one, just below</p> <p>24 that, it says, "The syllabi submitted contained</p> <p>25 references to growth in and adherence to a Christian</p>

<p style="text-align: right;">Page 10</p> <p>1 viewpoint and curricula and textbooks"; is that 2 right? 3 A That is what it says, correct. 4 Q And then I'll just upload the next 5 exhibit, and this is an e-mail from August 2008. 6 Are you familiar with this? 7 A I am, I am not. 8 Q Okay. Do you know what it is? 9 A It appears to be notification to Oak Hills 10 Christian College that they are determined to be an 11 eligible institution. 12 Q Okay. So in May, there was a form saying 13 they were not eligible, and then in August, they 14 were accepted. These are the only documents I've 15 seen regarding this situation. Do you know what 16 would have changed between May and August? 17 A To this specific situation, no, but 18 characteristically, we would have provided technical 19 assistance I would assume to ensure that they 20 understood the elements that couldn't be contained 21 in their courses to work them towards being able to 22 offer PSEO, but I don't know that in this case. I 23 don't know what changed. 24 Q Are you aware of Oak Hills' current 25 admissions practices?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q Okay. And she says you'll only be, "Is it 2 true that you'll only be enrolling high school 3 senior PSEO students even though juniors are allowed 4 to participate"; is that correct? 5 A That seems to be the question, yes. 6 Q Is excluding juniors an impermissible 7 barrier for PSEO schools? 8 A No. Eligible institutions can offer, can 9 prioritize what courses and to what grade levels 10 they, they target. 11 Q Are there any requirements for how many 12 students a school must admit to be a PSEO school? 13 A No, that's determined by the institution's 14 capacity. 15 Q And MDE doesn't inquire into that? 16 A No. 17 Q Okay. And then later in this same e-mail, 18 she says, "Just wanted to be clear that since you're 19 referring to the handbook may suggest that they need 20 to hold a specific faith to access public school 21 program." 22 A What page are you on? 23 Q The same page. It's the last paragraph in 24 that e-mail. Do you know if Martin Luther College 25 removed references to the handbook from their</p>
<p style="text-align: right;">Page 11</p> <p>1 A I am not, no. 2 Q Do you know if they incorporate a 3 Christian viewpoint into their PSEO courses now? 4 A Well, statute instructs them not to, but I 5 would have no idea. 6 Q All right. I'll do the next one. Okay. 7 Let me know when you see this. 8 A I do. 9 Q Okay. Once you've had a chance to review, 10 let me know, are you familiar with this document? 11 A I am not familiar with this document. 12 Q Do you know what it is? 13 A It appears to be an e-mail and it looks 14 like it's -- I'm not sure who Karen Johnson is. 15 Although I don't know who she is, I do know that the 16 to is to finance, school finance. 17 Q And it looks like she's forwarding an 18 e-mail conversation with an official from Martin 19 Luther College; is that correct? 20 A That's what it appears to be. 21 Q Okay. And in the forwarded e-mail, she's 22 asking questions about, it looks like she's asking 23 questions about a PSEO application to offer PSEO 24 courses; is that right? 25 A That appears to be correct, yes.</p>	<p style="text-align: right;">Page 13</p> <p>1 application or made a change based on this? 2 A I do not. 3 Q Have you ever received complaints about 4 courses at Martin Luther College relating to faith 5 statements or sectarian courses? 6 A I do not know. 7 Q Do you know if the current application 8 references the handbook? 9 A I'm sorry. I'm unclear what you're 10 asking. 11 Q Are you aware if their current PSEO 12 application for students who want to take PSEO 13 courses references their student handbook? 14 Q I do not know. 15 Q Are you aware that their handbook contains 16 religious learning outcomes? 17 A I am not aware. 18 Q Okay. Go to the next document. Let me 19 know when you've had a chance to look at this. It's 20 46 pages, but I'm only looking at the first four or 21 five pages for now. 22 A You want me to go to page 5 is what you 23 said? 24 Q Yes, and tell me if you're familiar with 25 this document.</p>

<p style="text-align: right;">Page 14</p> <p>1 A I am not familiar with it.</p> <p>2 Q Okay. What is it?</p> <p>3 A It appears to be a request in 2017 from</p> <p>4 Larry Pogemiller that the Red Lake Nation College</p> <p>5 was transitioning into their own entity, their own</p> <p>6 org, and no longer a satellite campus at Leech Lake,</p> <p>7 to Leech Lake.</p> <p>8 Q And they wanted to offer PSEO courses,</p> <p>9 correct?</p> <p>10 A They wanted to continue to offer PSEO</p> <p>11 courses, it appears.</p> <p>12 Q Okay. And I'm looking at the first course</p> <p>13 description on page -- let's see. At the bottom of</p> <p>14 page 3 and the top of page 4.</p> <p>15 A Okay.</p> <p>16 Q And it says in course learning outcome</p> <p>17 No. 1 on the top of the page that students will</p> <p>18 develop an Anishinaabe personal philosophy, paying</p> <p>19 special attention to Anishinaabe values; is that</p> <p>20 correct?</p> <p>21 A That is what it says.</p> <p>22 Q Would that be considered sectarian?</p> <p>23 A I wouldn't know just from that</p> <p>24 description. I would say no, it references values,</p> <p>25 but --</p>	<p style="text-align: right;">Page 16</p> <p>1 answer.</p> <p>2 A I didn't make this decision. My</p> <p>3 assumption would be that they looked at the</p> <p>4 curriculum and had conversations and provided</p> <p>5 technical assistance to get clarification to make a</p> <p>6 decision.</p> <p>7 Q Who would have made that call?</p> <p>8 A It would have been between Beth Barsness,</p> <p>9 Andy Johnson and finance.</p> <p>10 Q But you know that this would have been</p> <p>11 approved?</p> <p>12 A I, I don't know that it was approved. I'm</p> <p>13 assuming it was approved. I believe they offer it</p> <p>14 now, so at some point, it was approved, but I don't</p> <p>15 have understanding of the technical assistance that</p> <p>16 went into approving it.</p> <p>17 Q Have you ever received complaints about</p> <p>18 tribal schools based on sectarian content of the</p> <p>19 courses or admissions processes?</p> <p>20 A I'm unaware of any complaints.</p> <p>21 Q Do the courses that they submit for PSEO</p> <p>22 reimbursement, are they reviewed for sectarian</p> <p>23 content in the same way that others, private</p> <p>24 schools' courses are reviewed?</p> <p>25 A Exactly the same, and just to clarify,</p>
<p style="text-align: right;">Page 15</p> <p>1 Q Is, would MDE consider, does MDE consider</p> <p>2 Native American philosophy to be religious?</p> <p>3 A No, we would not.</p> <p>4 Q Has MDE ever advised a tribal school that</p> <p>5 they may not teach courses from a sectarian point of</p> <p>6 view?</p> <p>7 A They would receive the same guidance as</p> <p>8 all institutions offering PSEO.</p> <p>9 Q So they're considered, tribal schools are</p> <p>10 considered PSIs?</p> <p>11 A Yes, they have to meet the same criteria,</p> <p>12 yes.</p> <p>13 Q And do they submit the same statements of</p> <p>14 assurance that were required up until this last year</p> <p>15 to not provide non-sectarian courses?</p> <p>16 A The expectation would be that all</p> <p>17 institutions offering PSEO would, had to submit the</p> <p>18 assurances, correct.</p> <p>19 Q Including public schools?</p> <p>20 A Correct.</p> <p>21 Q Okay. How was the decision made that</p> <p>22 Native American philosophy is not considered to be</p> <p>23 religious?</p> <p>24 MR. TIMMERMAN: Objection,</p> <p>25 mischaracterizes prior testimony. You can</p>	<p style="text-align: right;">Page 17</p> <p>1 those are titles. We get titles of courses. We</p> <p>2 don't review curriculum unless we receive a</p> <p>3 complaint.</p> <p>4 Q You just review the title of the course</p> <p>5 when you receive the --</p> <p>6 A That's what -- correct.</p> <p>7 Q So if a determination is being made about</p> <p>8 whether a course is sectarian or not, is there, are</p> <p>9 courses ever denied without conversation? Are there</p> <p>10 ever between MDE employees --</p> <p>11 A Not sure what you're asking.</p> <p>12 Q Is there always a conversation, when</p> <p>13 there's, when there's a question about a sectarian</p> <p>14 course, whether it's sectarian or not, is there</p> <p>15 always a conversation between MDE employees, or can</p> <p>16 one employee make, make the call on his or her own?</p> <p>17 A It depends, so I don't -- uniformly, if</p> <p>18 the specialist determines that something looks</p> <p>19 sectarian, they always reach out to the program to</p> <p>20 have further conversation, provide technical</p> <p>21 assistance. It just, it depends. Sometimes the</p> <p>22 specialist may go to their supervisor, especially if</p> <p>23 there have been standing issues previously and this</p> <p>24 is, these are repeated conversations, so it really</p> <p>25 just depends.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q Okay. Great. Okay. I'm introducing the 2 next exhibit, 31. And I'm just looking -- so 3 there's the first two pages are mostly blocked out. 4 The e-mail starts at the bottom of the second page, 5 and I'm looking at the e-mail chain on pages 2 and 3 6 of the PDF. If you could let me know if you're 7 familiar with this. 8 A I am not familiar with this specific 9 example. 10 Q Okay. It looks like an e-mail chain from 11 November 2015 between MDE staff about sectarian 12 courses at Bethel; is that correct? 13 A That appears correct. 14 Q Okay. Then it says Jeannie reviewed 15 courses taught by 19 students at Bethel. She 16 identified eight courses that were potentially 17 sectarian, and then Beth reviewed and determined 18 that only one was non-sectarian, and Jeannie was 19 asked to stop reviewing courses until a definition 20 of sectarian could be determined. So my question 21 from this e-mail is what happens when there's 22 disagreement within MDE about whether a course is 23 sectarian? 24 A If there are questions from the 25 specialist, so Jeannie is finance. She receives the</p>	<p style="text-align: right;">Page 20</p> <p>1 I wasn't there in 2015 and I wasn't the director in 2 2015. I don't know what the process was. 3 Q Did Jeannie start reviewing courses again? 4 A Jeannie always reviews the courses. She 5 is, she receives them first. 6 Q So the e-mail says that she, excuse me, 7 the e-mail says she stopped reviewing courses, but 8 you're saying that at some point, you know she 9 started again? 10 A Well, these are reimbursement requests 11 from the post-secondaries, so we have a 30-day, when 12 an invoice is received, which is what these would 13 be, we have a 30-day pay out policy, so unless she 14 contested them, either contesting them or the 15 process of paying them would have to be resolved, so 16 my assumption is she continued to review at some 17 point. 18 Q Okay. And now, she does review? 19 A She continues to receive the reimbursement 20 requests, and when needed, she collaborates with 21 program to, Beth to determine if she has questions, 22 and it continues along the same, same process of 23 going to supervisor, director, AC, assistant 24 commissioner, legal, gov relations. We consult with 25 one another to resolve questions.</p>
<p style="text-align: right;">Page 19</p> <p>1 list from the post-secondary seeking reimbursement 2 for the courses with the course titles. If there's 3 question, then the specialist, who's Beth, reviews 4 it, and if there are continued questions, then it 5 appears that it goes up to the supervisor and 6 director level in both divisions to have continued 7 conversations for clarity because they're working 8 with course titles. 9 Q And are you, you're the supervisor level 10 now? 11 A I'm the director level. 12 Q Director level. Who's the supervisor now? 13 A Eric Billiet. 14 Q Okay. In this case, did Beth make the 15 call, or did she have a conversation with her 16 supervisor or director? 17 A This doesn't tell me what the decision 18 was, and I don't know. I'm unaware of what the 19 decision on this specific issue was. 20 Q Okay. Was there a new definition of 21 sectarian developed in 2015? 22 A I am unaware. 23 Q Was there a new process for reviewing 24 sectarian courses developed after this? 25 A The process is the same. I don't know --</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Okay. Further down in this, on this PDF, 2 page 7, 8 and 9, there's, there's another e-mail 3 exchange about courses that were denied at Bethel. 4 Could you take a look at those? 5 A Okay. 6 Q It looks like they were denied funding for 7 three courses, Christianity in Western Culture, 8 Humanities Greco Roman and Intro to Biblical Greek. 9 Is that correct from what you understand? 10 A That appears to be correct. 11 Q I'm curious about Biblical Greek. Are you 12 aware, is that still considered to be a sectarian 13 course? 14 A So the title alone doesn't tell me one way 15 or the other. It must have been the content of the 16 course. 17 Q Well, we can see the course description on 18 the last page. Would they have had more information 19 than that to make that determination? 20 A I do not know that. They may have talked 21 with, like we would have talked to someone at 22 Bethel, which is referenced I think in a different 23 part of the e-mail, but I don't know. 24 Q Does the course description give you 25 enough information to determine whether it's</p>

<p style="text-align: right;">Page 22</p> <p>1 sectarian?</p> <p>2 A Using the New Testament to build</p> <p>3 vocabulary would, would raise the question, yes.</p> <p>4 Q Would the course title alone raise the</p> <p>5 question?</p> <p>6 A Not necessarily.</p> <p>7 Q Do you see any problems with a public</p> <p>8 university offering a Biblical Greek course and</p> <p>9 teaching from the New Testament vocab?</p> <p>10 A I would. To understand elements of</p> <p>11 grammar and syntax related to Greek could be done</p> <p>12 using other texts rather than the New Testament. I</p> <p>13 think that would be the question and the</p> <p>14 conversation with the institution.</p> <p>15 Q Are you aware that the University of</p> <p>16 Minnesota offers a Biblical Greek course?</p> <p>17 A I am not.</p> <p>18 Q Would anyone have considered whether a</p> <p>19 public university offers that kind of course when</p> <p>20 that course was denied?</p> <p>21 MR. TIMMERMAN: Objection, calls for</p> <p>22 speculation. You can answer if you know.</p> <p>23 A I do not know.</p> <p>24 Q And it says Beth deemed, on page 7, it</p> <p>25 says Beth deemed the PSEO courses as sectarian. Was</p>	<p style="text-align: right;">Page 24</p> <p>1 asking a question, correct, seeking clarification.</p> <p>2 Q So I think you said that there are two</p> <p>3 ways that courses are reviewed for sectarian</p> <p>4 content: If there's a complaint or if it's, or</p> <p>5 Jeannie sees the title and flags it for review</p> <p>6 within that 30-day period; is that right?</p> <p>7 A Those are the two primary ways. There may</p> <p>8 be others that I am unfamiliar because I'm not the</p> <p>9 educational specialist nor finance, but those are</p> <p>10 the two that I'm familiar with.</p> <p>11 Q So how many course titles is Jeannie</p> <p>12 reviewing over the course of one semester?</p> <p>13 A Thousands.</p> <p>14 Q So she has 30 days to review thousands of</p> <p>15 course titles to consider whether they're sectarian</p> <p>16 or not?</p> <p>17 A Correct. Approximately that, yep.</p> <p>18 Q Is she able to review all of them in that</p> <p>19 time?</p> <p>20 A She seeks assistance from the specialist</p> <p>21 and from her supervisor if she needs additional</p> <p>22 support.</p> <p>23 Q So she's not the only one reviewing?</p> <p>24 A She is the person assigned to review the</p> <p>25 reimbursement requests from the post-secondary</p>
<p style="text-align: right;">Page 23</p> <p>1 that Beth's call?</p> <p>2 A She's the specialist, so it appears that</p> <p>3 with all the -- it says also attached is an e-mail</p> <p>4 string from Sally Weary, who was the supervisor at</p> <p>5 the time, Darren, Paula, myself and Carol. Those</p> <p>6 are all leadership folks, so clearly, there were</p> <p>7 conversations beyond that, but it is Beth's call</p> <p>8 because she's the education specialist at MDE for</p> <p>9 dual credit, and that's the way that Jeannie chose</p> <p>10 to frame it, so.</p> <p>11 Q Would Bethel have had recourse to</p> <p>12 challenge that description? That decision, sorry.</p> <p>13 A Certainly, they could have. It would have</p> <p>14 been continued conversation. They, they could have</p> <p>15 requested further conversation about it, but that,</p> <p>16 this clarifies what MDE's action would be, and so</p> <p>17 that would be what was moving forward. Again, given</p> <p>18 time lines of finance and what's reimbursable and</p> <p>19 completing invoices, this would be clarifying what</p> <p>20 MDE's action is, but it could certainly request</p> <p>21 further conversation.</p> <p>22 Q So if you saw a course for Biblical</p> <p>23 Hebrew, would you -- and that's, you only saw the</p> <p>24 title, would you think that that would be religious?</p> <p>25 A It would, it would raise to the level of</p>	<p style="text-align: right;">Page 25</p> <p>1 institutions, and she works with her supervisor if</p> <p>2 she needs assistance or she reaches out to Beth if</p> <p>3 she needs assistance, but she has been able to have</p> <p>4 them reviewed, and I may have the time frame -- I</p> <p>5 think it's 30 days that she has, but it could be, it</p> <p>6 could be longer. There may be an exception for the</p> <p>7 PSEO reimbursement.</p> <p>8 Q And when she's reviewing it, she only has</p> <p>9 the course title, she doesn't have the course</p> <p>10 description; is that correct?</p> <p>11 A She receives only the invoice for the</p> <p>12 student and the name of the course that the student</p> <p>13 took.</p> <p>14 Q What would you say is the purpose of the</p> <p>15 non-sectarian provision in the statute?</p> <p>16 A These, these are publicly funded PSEOs, a</p> <p>17 publicly funded program, so it is, in my</p> <p>18 understanding, it is to ensure that all students</p> <p>19 have access to PSEO that is not through one lens or</p> <p>20 a specific lens.</p> <p>21 Q Is that a religious lens?</p> <p>22 A Not necessarily.</p> <p>23 Q So sectarian means something different</p> <p>24 than religious?</p> <p>25 A I am not an expert on what it is or isn't,</p>

<p style="text-align: right;">Page 26</p> <p>1 but it, in our work, it tends to be religious.</p> <p>2 Q So when you say you're not an expert on</p> <p>3 what sectarian is or isn't, does that mean you don't</p> <p>4 know what it means?</p> <p>5 A I do know what it means, that it is not</p> <p>6 through a specific world view where students don't</p> <p>7 have a opportunity to explore alternate points of</p> <p>8 view, so that's why we require non-sectarian.</p> <p>9 Q But exploring a Native American point of</p> <p>10 view would not be considered sectarian?</p> <p>11 A If we received a complaint that a student</p> <p>12 or community member was concerned about the content,</p> <p>13 we would have the same conversation. It would be</p> <p>14 the same process.</p> <p>15 Q And if you saw a course description like</p> <p>16 the one in the e-mail we reviewed earlier about</p> <p>17 requiring students to adopt a philosophy, a Native</p> <p>18 American philosophy, that would not be considered a</p> <p>19 particular world view?</p> <p>20 Q I didn't see adopt. I saw explore, so</p> <p>21 that would make a difference. Adopt would be a</p> <p>22 different conversation.</p> <p>23 Q Let's see. We can go back to that.</p> <p>24 That's Exhibit 30. On page 4 of the PDF in Exhibit</p> <p>25 30, it says, "Students will develop an Anishinaabe</p>	<p style="text-align: right;">Page 28</p> <p>1 characterized as cultural.</p> <p>2 Q And Christian is not characterized as</p> <p>3 cultural?</p> <p>4 A Well, Anishinaabe are people, so if it --</p> <p>5 I mean, if I can offer an example, if it said we are</p> <p>6 going to explore the, and develop a Swiss personal</p> <p>7 philosophy, right, we wouldn't object to that. The</p> <p>8 Swiss are a people and they obviously aren't a</p> <p>9 monolith, but that would be, that's different. I</p> <p>10 mean, Anishinaabe are a people and a culture within</p> <p>11 the State of Minnesota. It is not considered --</p> <p>12 Christians come from many different communities,</p> <p>13 also not a monolith, but it's not a country, a</p> <p>14 specific culture of people.</p> <p>15 Q Is ethnicity considered a protected</p> <p>16 characteristic under the PSEO statute?</p> <p>17 A I wouldn't know. I wouldn't venture to</p> <p>18 answer that.</p> <p>19 Q And would you say that this selects, this</p> <p>20 discriminates on the basis of ethnicity?</p> <p>21 MR. TIMMERMAN: Objection, calls for</p> <p>22 speculation.</p> <p>23 A I don't have an answer for that.</p> <p>24 Q So when you say people, you mean something</p> <p>25 different than ethnicity?</p>
<p style="text-align: right;">Page 27</p> <p>1 personal philosophy, paying special attention to</p> <p>2 Anishinaabe values."</p> <p>3 A Correct. I don't interpret develop the</p> <p>4 same as adopt.</p> <p>5 Q If it says students will develop a</p> <p>6 Christian personal philosophy, paying special</p> <p>7 attention to Christian values, would that be</p> <p>8 considered sectarian?</p> <p>9 MR. TIMMERMAN: Objection, calls for</p> <p>10 speculation. You can answer.</p> <p>11 A Yeah, I don't know.</p> <p>12 Q So you don't know what MDE would do if it</p> <p>13 saw a course description that said, that used those</p> <p>14 exact words but replaced Christian with Anishinaabe?</p> <p>15 A So it says Anishinaabe values, which is a</p> <p>16 culture and a community, and again, I don't know</p> <p>17 that questions weren't asked about this. I would</p> <p>18 not ask questions about this, but if it said</p> <p>19 Christian --</p> <p>20 Q -- considered religious?</p> <p>21 A Anishinaabe is a culture. No, it's not</p> <p>22 considered religious.</p> <p>23 Q And that's why it's permitted?</p> <p>24 A Well, Anishinaabe are a people, so no,</p> <p>25 it's not considered religious. It would be</p>	<p style="text-align: right;">Page 29</p> <p>1 A I wouldn't, I wouldn't say that it</p> <p>2 excluded to ethnicity. When I say a people, it is a</p> <p>3 people with a history and a culture and is not a</p> <p>4 specific institution for worship or communing or</p> <p>5 belief.</p> <p>6 Q So we've been going about an hour, not</p> <p>7 quite an hour, and we have about another hour to go.</p> <p>8 Would you like to take a break?</p> <p>9 A Sure.</p> <p>10 Q Okay.</p> <p>11 MR. TIMMERMAN: How long would you like,</p> <p>12 Diana?</p> <p>13 Q How about ten minutes?</p> <p>14 MR. TIMMERMAN: Sure.</p> <p>15 Q We'll come back at, let's come back at 11,</p> <p>16 so that'll be nine minutes on my clock.</p> <p>17 MR. TIMMERMAN: Okay.</p> <p>18 (Brief recess.)</p> <p>19 BY MS. THOMSON:</p> <p>20 Q So we were looking at Exhibit 30 before,</p> <p>21 and I asked what is the purpose of the non-sectarian</p> <p>22 provision in the statute, and I think you said</p> <p>23 something along the lines of not limiting students</p> <p>24 to one world view?</p> <p>25 A Correct.</p>

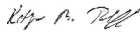
<p style="text-align: right;">Page 30</p> <p>1 Q Okay. So is it okay to have religious 2 content in courses as long as other world views can 3 be explored in the courses? 4 MR. TIMMERMAN: Objection, calls for 5 speculation. You can answer. 6 A There are courses that explore religions. 7 I mean, I certainly had them in college as well, but 8 they are not asking anyone to adopt that world view. 9 It is an academic look at a world view. 10 Q Are you prepared to testify about how MDE 11 considers the sectarian requirement in a statute? 12 A I am, I am prepared to describe how MDE 13 views the sectarian or non-sectarianness of courses 14 that are offered through PSEO, correct. 15 Q Okay. I'm not sure how my question was 16 speculative, Jeff, so I'll keep -- 17 MR. TIMMERMAN: Okay. 18 Q So is it possible, would it be possible 19 for a Christian school to present religious topics 20 without requesting anyone adopt them? 21 A I can speak to if they offer a course that 22 maybe has a religious title, but then we talk 23 further and they are not presenting the adoption of 24 a specific world view, yes, it would be the same as 25 other institutions.</p>	<p style="text-align: right;">Page 32</p> <p>1 think this is Exhibit 32, and it's an e-mail chain 2 from 2016, and if you could look at it and tell me 3 if you're familiar with it or not. 4 A I am not familiar with it. 5 Q Let me know when you've had a chance to 6 review. 7 A All five pages? 8 MR. TIMMERMAN: Yeah, go ahead, Sally, and 9 review all five pages. 10 A Okay. Okay. 11 Q Okay. So I'm looking at the third page, 12 and Sharon Peck, there is an e-mail saying, "My 13 sense of the conclusion at the earlier internal 14 meetings of the burden of assuring courses submitted 15 for payment were non-sectarian should be on the 16 post-secondary institutions." And then in that same 17 paragraph, she says, "It was considered undesirable 18 to discuss a new assurance document because it might 19 imply that MDE was responsible for monitoring course 20 content." Is it true that MDE is not responsible 21 for monitoring course content? 22 A We do not monitor course content of 23 post-secondaries unless there's a need, but it's 24 nothing that we do as a part of our work, no. 25 Q Okay. So I'm looking at the first page of</p>
<p style="text-align: right;">Page 31</p> <p>1 Q And we were talking about the Anishinaabe 2 philosophy. Are you aware that Anishinaabe culture 3 includes religion or not? 4 A I know those who consider themselves 5 Anishinaabe and they practice different religions, 6 but I'm aware Anishinaabe is a culture. 7 Q Have you heard anyone at MDE express 8 discomfort in deciding what is or is not religious? 9 A From a title of a course. 10 Q Or in response to a complaint. 11 A I have not heard any discomfort, although 12 it's challenging, which is why we consult with legal 13 and others to get clarification, so no one is 14 expected to do it on, to figure all of these things 15 out on their own, but I have not heard discomfort, 16 no. 17 Q So when you say you consult with legal, 18 have you been provided any standards for how to 19 decide what is or is not religious? 20 A We've had conversations about what's 21 sectarian and non-sectarian. 22 Q Have you developed standards under, on 23 that basis? 24 A Not that I have seen. 25 Q Okay. Let's look at the next exhibit. I</p>	<p style="text-align: right;">Page 33</p> <p>1 this document, Tom Melcher sending an e-mail about a 2 memo. It looks like guidance is being sent to 3 schools? 4 A I see that. 5 Q Okay. And he says, his last sentence is, 6 "I think this will take care of the issue without 7 raising so many red flags." Do you know what red 8 flags he was talking about? 9 A I do not. 10 Q And I think you said this last school 11 year, MDE does not require any more statements of 12 assurance from schools about sectarian content of 13 their courses; is that correct? 14 A We do not require a signed assurance, no. 15 Q Does that mean that the submitted courses 16 are reviewed more closely? 17 A The submitted courses are reviewed in the 18 same way that they were previous to the assurances. 19 Q Okay. Other than the courses are 20 non-sectarian, are there other eligibility 21 requirements for courses? 22 A They have to provide credit to students 23 towards graduation as determined between the high 24 school and the post-secondary and the student. 25 Q Any requirements for the curriculum of</p>

<p style="text-align: right;">Page 34</p> <p>1 PSEO courses?</p> <p>2 A Well, the curriculum has to meet the</p> <p>3 standards for graduation within the course</p> <p>4 requirements, so if there are, if they exist, unless</p> <p>5 they're elective courses, but they have to follow</p> <p>6 the same basic requirements that a high school does,</p> <p>7 but they offer dual credit and are offered at a</p> <p>8 post-secondary institution.</p> <p>9 Q But they're dual credit and they're</p> <p>10 offered at a post-secondary, those are the two</p> <p>11 requirements?</p> <p>12 A Well, and they have to meet some standards</p> <p>13 for state graduation --</p> <p>14 Q Who sets --</p> <p>15 A -- course requirements.</p> <p>16 Q Sorry. Who sets those standards?</p> <p>17 A They exist at the Minnesota Department of</p> <p>18 Education. There's a long process of which</p> <p>19 standards include review I believe every ten years</p> <p>20 for each content area and involves partners and work</p> <p>21 groups.</p> <p>22 Q And did you say that's just for -- that's</p> <p>23 not for electives?</p> <p>24 A Some electives do, depending. Like health</p> <p>25 has some, and I believe those are new this year.</p>	<p style="text-align: right;">Page 36</p> <p>1 does that mean MDE is not reviewing curricula to</p> <p>2 make sure it meets those standards?</p> <p>3 A We do not review curriculum.</p> <p>4 Q Are there requirements for how students</p> <p>5 are graded?</p> <p>6 A No. That's up to the individual post-</p> <p>7 secondary institution. That's a local decision as</p> <p>8 well for districts, as is curriculum. Those are</p> <p>9 locally determined.</p> <p>10 Q Are there requirements for the number of</p> <p>11 courses that a school has to offer under PSEO as a</p> <p>12 PSEO institution?</p> <p>13 A No.</p> <p>14 Q Is there a core curriculum that schools</p> <p>15 are required to offer if they offer PSEO, any</p> <p>16 required courses?</p> <p>17 A So that's two questions. We don't --</p> <p>18 curriculum is local. Courses are according to</p> <p>19 standards, so we, we provide standards that have to</p> <p>20 be addressed, but courses, the name of a course is</p> <p>21 locally determined in most instances.</p> <p>22 Q Okay. Is an institution that offers PSEO</p> <p>23 required to provide any specific courses?</p> <p>24 A No.</p> <p>25 Q Is there any requirement about who can</p>
<p style="text-align: right;">Page 35</p> <p>1 That is not my area of expertise, but yes, we do</p> <p>2 have some standards. It changes based on</p> <p>3 legislation.</p> <p>4 Q So is that the case for every, that's,</p> <p>5 those curricular requirements apply to every high</p> <p>6 school course and every PSEO course?</p> <p>7 A If the high school that the student is a</p> <p>8 resident of does not believe that the course they</p> <p>9 are taking meets the standards of the course that</p> <p>10 would be offered at the high school, there is an</p> <p>11 appeals process.</p> <p>12 Q And is it the high school that makes the</p> <p>13 determination of whether the curricula, the</p> <p>14 curriculum meets their requirements?</p> <p>15 Q The high school makes a determination that</p> <p>16 the course receives credit at the high school, on</p> <p>17 the high school diploma and for what course, so if</p> <p>18 the course has to be awarded dual credit, it is the</p> <p>19 high school that could say we don't want to offer</p> <p>20 credit, this does not meet our, meet the standards</p> <p>21 say for eligibility for world history and so we will</p> <p>22 not provide dual credit, and in which case the</p> <p>23 post-secondary would not receive reimbursement</p> <p>24 because the course is not a dual credit course.</p> <p>25 Q So if MDE isn't reviewing course content,</p>	<p style="text-align: right;">Page 37</p> <p>1 teach a PSEO course?</p> <p>2 A That is determined by the post-secondary</p> <p>3 institution, and there are the office of higher ed</p> <p>4 has -- that's not a MDE consideration, so if they're</p> <p>5 employing someone to teach a specific course, that's</p> <p>6 at the post-secondary level.</p> <p>7 Q So schools retain discretion over who to</p> <p>8 hire?</p> <p>9 A Post-secondary institutions?</p> <p>10 Q Uh-huh.</p> <p>11 A We do not get involved with their hiring</p> <p>12 practices, no.</p> <p>13 Q Okay. Let's look at the next exhibit.</p> <p>14 Once you've had a chance to review, let me know if</p> <p>15 you're familiar with this.</p> <p>16 A I am not familiar with it, but I'm reading</p> <p>17 it.</p> <p>18 Q Okay. It looks like it's an e-mail</p> <p>19 exchange that started with an inquiry from a high</p> <p>20 school counselor about whether or not a course would</p> <p>21 be a PSEO course, a world religions course?</p> <p>22 A Correct.</p> <p>23 Q And then Dr. Mary Barrie responded and</p> <p>24 said no, it would not be -- no, public dollars</p> <p>25 cannot be used for those?</p>

<p style="text-align: right;">Page 38</p> <p>1 A It came from the post-secondary mailbox.</p> <p>2 Oh, yeah, she answered it. That was her assessment.</p> <p>3 Q And so then Beth responds just to</p> <p>4 Dr. Barrie and says, "You might have a hard time</p> <p>5 arguing that this course is not non-sectarian",</p> <p>6 correct?</p> <p>7 A I would agree with Beth's assessment,</p> <p>8 correct. That is what she says.</p> <p>9 Q A lot of double negative, but basically,</p> <p>10 Beth is saying that this would be permissible, a</p> <p>11 world religions course would be permissible; is that</p> <p>12 correct?</p> <p>13 A That's how I interpret it, yes.</p> <p>14 Q Okay. So Dr. Barrie sent that e-mail.</p> <p>15 Did she have the authority to make the call about</p> <p>16 that course at that time?</p> <p>17 A She responded. Beth took issue. Beth is</p> <p>18 a specialist, so I don't know what happened after</p> <p>19 this, but if Beth said, if Beth, it appears Beth</p> <p>20 differed from what Mary said, they would have</p> <p>21 reached out to the organization, I'm sure, and had</p> <p>22 further conversation, because Beth is the</p> <p>23 specialist.</p> <p>24 Q So she would have had the authority to</p> <p>25 make the call over Dr. Barrie?</p>	<p style="text-align: right;">Page 40</p> <p>1 A I couldn't answer that.</p> <p>2 Q Because you don't know?</p> <p>3 A Correct.</p> <p>4 Q None that you're aware of?</p> <p>5 A None that I'm aware of, but I wouldn't</p> <p>6 necessarily -- yeah, I'm not aware.</p> <p>7 Q Do you know if you ever received any</p> <p>8 complaints about discrimination on the basis of</p> <p>9 ethnicity?</p> <p>10 A I, I have not received any complaints or</p> <p>11 been aware of any complaints.</p> <p>12 Q Any applications to participate in PSEO</p> <p>13 from a post-secondary institution that would have</p> <p>14 raised that as an issue?</p> <p>15 A Can you state that again, please?</p> <p>16 Q Have you ever seen -- had MDE ever</p> <p>17 received an application from a post-secondary</p> <p>18 institution to participate in PSEO that would have</p> <p>19 raised ethnicity as an issue?</p> <p>20 A No.</p> <p>21 Q Okay. Has MDE ever received complaints</p> <p>22 that a PSI created barriers on the basis of</p> <p>23 disability?</p> <p>24 A I am unaware.</p> <p>25 Q Have you ever seen any applications that</p>
<p style="text-align: right;">Page 39</p> <p>1 A I don't know that it's so much authority,</p> <p>2 but there would have been continued conversation.</p> <p>3 If the specialist says this appears to be legit,</p> <p>4 they would have had further conversation and, and</p> <p>5 addressed it.</p> <p>6 Q You know why Dr. Barrie said that course</p> <p>7 wasn't permissible?</p> <p>8 A I do not know why.</p> <p>9 Q But you agree with Beth's assessment that</p> <p>10 MDE would consider a world religions course to be</p> <p>11 permissible without further information?</p> <p>12 A Based on this description, I wouldn't have</p> <p>13 concerns.</p> <p>14 Q Do you know if MDE has ever declined to</p> <p>15 reimburse a school for a world religions class?</p> <p>16 A I do not know.</p> <p>17 Q Do you know if Dr. Barrie changed her</p> <p>18 position after she discussed it with Beth?</p> <p>19 A I do not know.</p> <p>20 Q And you don't know the outcome of any</p> <p>21 follow-up from this e-mail conversation?</p> <p>22 A I do not.</p> <p>23 Q Okay. Has MDE ever dealt with a</p> <p>24 post-secondary institution that created barriers on</p> <p>25 the basis of ethnicity in PSEO?</p>	<p style="text-align: right;">Page 41</p> <p>1 raised issues, applications from a PSI to</p> <p>2 participate in PSEO that raised issues related to</p> <p>3 disability discrimination?</p> <p>4 A I have not seen any.</p> <p>5 Q Have you ever heard about any disability</p> <p>6 discrimination in PSEO?</p> <p>7 A I'm unaware.</p> <p>8 Q Have you ever dealt with a PSI that was</p> <p>9 creating barriers on the basis of race in PSEO?</p> <p>10 A No, not, not in PSEO.</p> <p>11 Q No complaints from students or parents or</p> <p>12 community members?</p> <p>13 A Not that I'm aware.</p> <p>14 Q No applications that were submitted by</p> <p>15 PSEO schools or PSIs to participate in PSEO that</p> <p>16 would have raised race discrimination questions?</p> <p>17 A Not that I'm aware of.</p> <p>18 Q How about gender? Have you received</p> <p>19 complaints on the basis of sex or gender?</p> <p>20 A Not that I recall.</p> <p>21 Q And you're not aware of any issues of PSIs</p> <p>22 dealing with creating barriers on the basis of sex</p> <p>23 or gender?</p> <p>24 A Not that I'm aware of.</p> <p>25 Q Okay. Let's look at the next exhibit.</p>

<p style="text-align: right;">Page 42</p> <p>1 This is an e-mail chain. Basically, it's, after the</p> <p>2 top of the second page, it's redacted, so once</p> <p>3 you've had a chance to look at it, could you let me</p> <p>4 know if you're familiar with it?</p> <p>5 A I'm in the e-mail chain, so I should be</p> <p>6 more familiar with it, but I am reading through it</p> <p>7 to make sure I recall.</p> <p>8 Q Definitely refresh your recollection.</p> <p>9 A Okay.</p> <p>10 Q Is this e-mail chain about the PSEO</p> <p>11 amendment?</p> <p>12 A Yes, it appears to be that we would have</p> <p>13 received maybe something to provide feedback on.</p> <p>14 Q And you said, "We have until the end of</p> <p>15 the day tomorrow to noodle over the language to get</p> <p>16 to the same intent while removing faith language</p> <p>17 which is threatening to tank it." What was the</p> <p>18 faith language threatening to tank?</p> <p>19 A I believe there were conversations within,</p> <p>20 I don't remember if it was the House or the Senate</p> <p>21 or both that really -- this would have been fairly</p> <p>22 early on, that didn't, didn't want to have the word</p> <p>23 faith language. They didn't want to reference faith</p> <p>24 specifically, and so they were, so government</p> <p>25 relations I believe was consulting with us to say</p>	<p style="text-align: right;">Page 44</p> <p>1 Q And then on the next, the top of the next</p> <p>2 page, she says, Megan says, "I don't know much about</p> <p>3 Crown aside from the terrible conversation on</p> <p>4 Friday", and you said, "Yeah, not pleasant." Do you</p> <p>5 know what conversation she was referring to?</p> <p>6 A I do.</p> <p>7 Q Why was it terrible?</p> <p>8 A It was a discussion about the proposed</p> <p>9 language, and they were clearly not happy with it.</p> <p>10 Q The PSEO amendment?</p> <p>11 A Correct.</p> <p>12 Q Who was present at that meeting?</p> <p>13 A Oh, I don't recall. There were</p> <p>14 representatives from both Crown and Bethel, I</p> <p>15 believe, or it was Crown and Northwestern, I don't</p> <p>16 even remember, and then government relations. I</p> <p>17 don't even remember who all was at that meeting.</p> <p>18 There were a number of people at the meeting.</p> <p>19 Q Do you recall their primary reasons to not</p> <p>20 be happy about it?</p> <p>21 A Well, they would be unable I guess to</p> <p>22 provide PSEO courses unless they changed -- they</p> <p>23 would be, they would be unable to be reimbursed for</p> <p>24 the courses that being offered as PSEO, and as a</p> <p>25 program, they would be deemed as ineligible to offer</p>
<p style="text-align: right;">Page 43</p> <p>1 how could we get to the same intent without using</p> <p>2 the word faith.</p> <p>3 Q What was the same intent that you're</p> <p>4 referring to?</p> <p>5 A The intent for nondiscrimination around</p> <p>6 enrollment in PSEO by students to participate on</p> <p>7 any, any, with any eligible provider.</p> <p>8 Q And that was based on the complaints you'd</p> <p>9 received about Crown and Northwestern; is that</p> <p>10 right?</p> <p>11 A Correct.</p> <p>12 Q Okay. Let's look at the next exhibit.</p> <p>13 When you've had a chance to review, let me know if</p> <p>14 you're familiar with this.</p> <p>15 A Okay.</p> <p>16 Q This looks like a Teams chat between you</p> <p>17 and Megan Arriola; is that right?</p> <p>18 A Correct.</p> <p>19 Q And at the bottom of the first page, she</p> <p>20 asks for data on the demographics of the students</p> <p>21 attending PSEO at Crown and Northwestern, that the</p> <p>22 commissioner had requested that. Do you know why</p> <p>23 she was asking for data just from Crown and</p> <p>24 Northwestern?</p> <p>25 A I do not.</p>	<p style="text-align: right;">Page 45</p> <p>1 PSEO.</p> <p>2 Q Did they, did anyone at that meeting</p> <p>3 express concern that they hadn't been consulted</p> <p>4 about the language before it was proposed?</p> <p>5 A No. Not that I recall, but no, I don't</p> <p>6 recall that.</p> <p>7 Q After that meeting, were any changes made</p> <p>8 as a result of objections made by Crown or</p> <p>9 Northwestern or any of the private schools?</p> <p>10 A No.</p> <p>11 Q Okay. Later in this conversation -- yeah,</p> <p>12 right after that, Megan asks, "I don't see a</p> <p>13 breakdown of student demographics. The commissioner</p> <p>14 is particularly interested in the IPOC student</p> <p>15 numbers at the top five private PSIs", correct?</p> <p>16 A That's what it says, yeah.</p> <p>17 Q And so do you know which of the top five</p> <p>18 private PSIs?</p> <p>19 A I have no idea.</p> <p>20 Q Is Crown one of them?</p> <p>21 A I have no idea.</p> <p>22 Q Do you know if this data got to the</p> <p>23 commissioner?</p> <p>24 A I do not.</p> <p>25 Q Do you know why she would have asked for</p>

<p style="text-align: right;">Page 46</p> <p>1 Crown and Northwestern in the first sentence and 2 then asked for the top five private PSIs at the end 3 of the conversation later -- 4 A I do not. 5 Q Okay. Let's look at the next exhibit, 6 pull it up. I'm looking starting at page 2. Looks 7 like a Teams chat between Christy Irrgans and Beth 8 Barsness. 9 A Okay. 10 MR. TIMMERMAN: And I'm going to object on 11 foundation grounds here since Sally was not 12 part of the chat, but you can ask questions. 13 Q That's my first question. Were you aware 14 of this chat at the time it happened or -- 15 A No. 16 Q And have you reviewed this before? 17 A I have not. 18 Q In preparation for this deposition? 19 A I don't believe so. 20 Q Okay. So in one of these chats, Beth said 21 you can, you can still participate in their on line 22 -- oh, no, sorry. That's the wrong thing I'm 23 looking at. Hang on. On the third page, I'm 24 looking on the third page that has a long chat, and 25 and at the bottom, she says, "If you do use a faith</p>	<p style="text-align: right;">Page 48</p> <p>1 dropping their faith statements? 2 MR. TIMMERMAN: Objection, foundation. 3 The document speaks for itself. You can 4 answer. 5 A I was not on here, so I mean, they're both 6 education specialists and they're having a 7 conversation. 8 Q So do you recall hearing anyone at MDE 9 talking about whether schools might drop PSEO 10 courses, stop offering PSEO if they were required to 11 choose between offering faith statements and 12 offering PSEO? 13 MR. TIMMERMAN: Objection, asked and 14 answered at prior deposition, but you can 15 answer again. 16 A I would confirm like the same thing. I 17 mean, it's not a decision that's made at their, at 18 their level and -- or even at my level, and 19 considering all the possibilities, yes, that would 20 be an option for them. 21 Q Okay. Let me know when you've had a 22 chance to review this. 23 A Okay. 24 Q Looks like this is a Microsoft Teams 25 meeting invitation from you to Eric Billiet and Beth</p>
<p style="text-align: right;">Page 47</p> <p>1 statement, then we will not pay, so just take it out 2 and quit your whining." 3 A At the bottom of page 3 or -- 4 Q Uh-huh. At the bottom of the first chat 5 on page 3. 6 A Okay. 7 Q So the last time we spoke, you said you 8 had heard expressions of frustration from MDE staff 9 that schools had not been told to remove their faith 10 statement and they hadn't. Would you say this was a 11 typical expression of frustration like the ones 12 you've described? 13 MR. TIMMERMAN: Objection, 14 mischaracterizes prior testimony, but you can 15 answer. 16 A It is clearly a statement of frustration. 17 Q And then Christy responds and says, "Will 18 they give up their morales and remove the statement 19 or will they say no, we don't want their money?" 20 And in our last conversation, you mentioned that you 21 hadn't really, that you weren't aware of MDE 22 considering whether the schools would drop PSEO if 23 their faith statements were excluded. Is this an 24 example of an MDE employee recognizing the schools 25 might have a moral or religious problem with</p>	<p style="text-align: right;">Page 49</p> <p>1 Barsness; is that correct? 2 A Correct. 3 Q For last March 2023, correct? 4 A Correct. 5 Q Do you recall this meeting? 6 A It would have been likely one of many, but 7 I don't recall this specific meeting, though. 8 Q It says the subject was PSEO faith? 9 A Correct. 10 Q Do you know what the purpose of that 11 meeting was? 12 A I don't specifically remember, but given 13 the time frame and the name of the subject line, it 14 was likely a legislative act around the proposal, so 15 it could have, it could have been a request from gov 16 relations or -- but that would have been the topic. 17 Q You don't recall who else would have been 18 at the meeting? 19 A Well, only Eric and Beth were invited, so 20 my assumption, it was the three of us. 21 Q And you don't recall what you discussed? 22 A I do not recall. 23 Q Okay. I'm introducing Exhibit 38. Looks 24 like this is an e-mail chain about a voice mail that 25 you're on. Once you've had a chance to review, let</p>

<p style="text-align: right;">Page 50</p> <p>1 me know if you're familiar with this.</p> <p>2 A Okay.</p> <p>3 Q Are you familiar with this? Do you recall</p> <p>4 this e-mail chain?</p> <p>5 A I vaguely recall, but I am reminded.</p> <p>6 Q Do you remember the voice mail that the</p> <p>7 e-mails are discussing?</p> <p>8 A I do not.</p> <p>9 Q It sounds like it was about a</p> <p>10 transportation, about students who wanted to claim</p> <p>11 transportation mileage for transportation to a PSEO</p> <p>12 course from the context of the e-mail. Is that --</p> <p>13 A That's what I, that's what I see, yes.</p> <p>14 Q Are transportation issues a barrier for</p> <p>15 students who want to receive PSEO credits?</p> <p>16 A For some, yes.</p> <p>17 Q When Beth said in her e-mail this falls</p> <p>18 under transportation, do you know what she meant?</p> <p>19 A Yes. Transportation reimbursement exists</p> <p>20 in finance.</p> <p>21 Q So that's under MDE?</p> <p>22 A Correct.</p> <p>23 Q When you said that those students wouldn't</p> <p>24 make it through in your e-mail, did you mean that</p> <p>25 they wouldn't get funding for transportation because</p>	<p style="text-align: right;">Page 52</p> <p>1 Q Do you know why not?</p> <p>2 A That's a legislative question. I cannot</p> <p>3 answer.</p> <p>4 Q Great. Let's take a five-minute break.</p> <p>5 MR. TIMMERMAN: Okay.</p> <p>6 (Brief recess.)</p> <p>7 MS. THOMSON: I don't have any further</p> <p>8 questions.</p> <p>9 MR. TIMMERMAN: That was easy enough.</p> <p>10 THE WITNESS: Yeah.</p> <p>11 MR. TIMMERMAN: I don't have any</p> <p>12 questions, either. We'll read and sign for</p> <p>13 this one, and Kathy, just a condensed</p> <p>14 electronic only is fine for us.</p> <p>15 REPORTER: Okay. Thank you.</p> <p>16 (The deposition concluded at 10:52 a.m. CDT.)</p>
<p style="text-align: right;">Page 51</p> <p>1 they didn't meet the criteria under the statute?</p> <p>2 A I don't recall. I don't recall what that</p> <p>3 was in reference to specifically. I don't know if</p> <p>4 it was in reference to all of the paperwork that</p> <p>5 they needed to do or -- I don't know.</p> <p>6 Q Beth says, "Don't get me started on how</p> <p>7 this process is ridiculous for low income families";</p> <p>8 is that correct?</p> <p>9 A That is what she says, yes.</p> <p>10 Q Has MDE considered any legislative</p> <p>11 proposals to make it easier for PSEO students to get</p> <p>12 transportation funding?</p> <p>13 A We have submitted those proposals in the</p> <p>14 past, yes, as have external partners around PSEO</p> <p>15 have also. I believe there's, there might be one</p> <p>16 this year, too.</p> <p>17 Q Do you recall the substance of those?</p> <p>18 A Some is increasing the per mile rate that</p> <p>19 they receive, which is a very old Federal</p> <p>20 reimbursement rate for mileage. Streamlining the</p> <p>21 process to make it easier for families to request</p> <p>22 reimbursement.</p> <p>23 Q So those were two suggestions or two</p> <p>24 proposals that you mentioned. Were those adopted?</p> <p>25 A They were not.</p>	<p style="text-align: right;">Page 53</p> <p>1 STATE OF MARYLAND</p> <p>2 I, Kathryn M. Benhoff, a Notary Public in and</p> <p>3 for the State of Maryland, do hereby certify that the</p> <p>4 within named SALLY REYNOLDS personally appeared before</p> <p>5 me at the time and place herein set according to the law</p> <p>6 and was interrogated by counsel.</p> <p>7 I further certify that the examination was</p> <p>8 recorded stenographically by me and then transcribed</p> <p>9 from my stenographic notes to the within printed matter</p> <p>10 by means of computer assisted transcription in a true</p> <p>11 and accurate manner.</p> <p>12 I further certify that the stipulations</p> <p>13 contained herein were entered into by counsel in my</p> <p>14 presence.</p> <p>15 I further certify that I am not of counsel to</p> <p>16 any of the parties, not an employee of counsel, nor in</p> <p>17 any way related to any of the parties, nor in any way</p> <p>18 interested in the outcome of this action.</p> <p>19 AS WITNESS my hand and Notarial Seal this 25th day</p> <p>20 of April, 2024.</p> <p>21 </p> <p>22 _____</p> <p>23 Kathryn M. Benhoff, Notary Public</p> <p>24 My Commission expires October 7th, 2027.</p> <p>25</p>

<div>Page 54</div> <div>1 Jeffrey Timmerman, Esquire 2 jeffrey.timmerman@ag.state.mn.us 3 April 25, 2024 4 RE: Loe, Melinda And Mark v. Jett, Willie Et Al. 5 4/11/2024, Sally Reynolds (#6630032) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 cs-midatlantic@veritext.com. 16 Return completed errata within 30 days from 17 receipt of testimony. 18 If the witness fails to do so within the time 19 allotted, the transcript may be used as if signed. 20 21 22 Yours, 23 Veritext Legal Solutions 24 25</div>	<div>Page 56</div> <div>1 Loe, Melinda And Mark v. Jett, Willie Et Al. 2 Sally Reynolds (#6630032) 3 ACKNOWLEDGEMENT OF DEPONENT 4 I, Sally Reynolds, do hereby declare that I 5 have read the foregoing transcript, I have made any 6 corrections, additions, or changes I deemed necessary as 7 noted above to be appended hereto, and that the same is 8 a true, correct and complete transcript of the testimony 9 given by me. 10 11 _____ 12 Sally Reynolds Date 13 *If notary is required 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 _____ DAY OF _____, 20____. 16 17 18 _____ 19 NOTARY PUBLIC 20 21 22 23 24 25</div>
<div>Page 55</div> <div>1 Loe, Melinda And Mark v. Jett, Willie Et Al. 2 Sally Reynolds (#6630032) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE_____ 5 _____ 6 REASON_____ 7 PAGE____ LINE____ CHANGE_____ 8 _____ 9 REASON_____ 10 PAGE____ LINE____ CHANGE_____ 11 _____ 12 REASON_____ 13 PAGE____ LINE____ CHANGE_____ 14 _____ 15 REASON_____ 16 PAGE____ LINE____ CHANGE_____ 17 _____ 18 REASON_____ 19 PAGE____ LINE____ CHANGE_____ 20 _____ 21 REASON_____ 22 _____ 23 _____ 24 Sally Reynolds Date 25</div>	

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Minnesota Rules of Civil Procedure

Part V. Depositions and Discovery

Rule 30

Rule 30.05 Review by Witness; Changes; Signing

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Rule 30.06(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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